

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 23-4311-FMO (MRWx)	Date	October 30, 2023
Title	Tyshawn T. Williams v. Carl R Weber, <u>et al.</u>		

Present: The Honorable Fernando M. Olguin, United States District Judge

Vanessa Figueroa

None Present

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

Proceedings: (In Chambers) Order Re: Pending Motion and Dismissal of Complaint With Leave to Amend

On September 12, 2023, the court sua sponte dismissed pro se plaintiff Tyshawn T. Williams's ("plaintiff") First Amended Complaint ("FAC") pursuant to Rule 8(a) of the Federal Rules of Civil Procedure. (See Dkt. 22, Court's Order of September 12, 2023, at 1). The court noted that plaintiff's 1,512-page FAC named 23 defendants in the caption, but identified only 13 defendants in the body of the complaint under "parties." (See id.). The court also explained that the FAC's 586 "claims for relief" spanned well over 5,000 paragraphs, which made it difficult to comprehend, (see id.), and that the claims were asserted against all defendants without adequately indicating what allegedly wrongful conduct each defendant engaged in. (See id.). The court found that defendants "would have difficulty understanding and responding to the [FAC]." (Id.) (quoting Bey v. Los Angeles Sheriff Dep't, 2020 WL 7318128, *3 (C.D. Cal. 2020)). Finally, the court questioned whether it would have personal jurisdiction over several of the defendants. (See id. at 1 n. 1). Thus, the court dismissed the FAC with leave to amend, and granted plaintiff until October 3, 2023, to file a second amended complaint. (See id. at 1).

On September 14, 2023, plaintiff filed a motion seeking an extension of time to serve defendants in part because "[t]here are multiple Defendants and to print voluminous copies of the Complaint (1,500 pages) and mail out to each individual has created a significant financial strain on the Plaintiff." (Dkt. 23, Plaintiff's Motion for Request for Extension of Time for Service of Defendants ("Motion") at ¶ 4).

On October 3, 2023, plaintiff filed his Second Amended Complaint. (Dkt. 24, "SAC"). However, rather than heed the court's concerns regarding the FAC's deficiencies, including its length and failure to indicate the alleged wrongful conduct of each defendant identified in the caption, (see Dkt. 22, Court's Order of September 12, 2023, at 1), the SAC is even more voluminous – spanning over 1,600 pages – and fails to identify all defendants named in the caption and what allegedly wrongful conduct each engaged in. (See, generally, Dkt. 24, SAC). Nor did plaintiff seek to show that the court has personal jurisdiction over each defendant. (See, generally, id.). Plaintiff's SAC is troubling given plaintiff's earlier representation that he is unable to timely serve defendants due to the expense associated with "print[ing] voluminous copies of the Complaint[.]" (Dkt. 23, Motion at ¶ 4). Because plaintiff is appearing pro se, the court will give

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him one final opportunity to amend his complaint.

Based on the foregoing, IT IS ORDERED THAT:

1. The SAC (**Document No. 24**) is **dismissed with leave to amend**.
2. If plaintiff still wishes to pursue this action, he is granted until **November 22, 2023**, to file a third amended complaint attempting to cure the deficiencies set forth above.
3. The third amended complaint must be labeled "Third Amended Complaint," filed in compliance with Local Rule 3-2 and contain the case number assigned to the case. In addition, plaintiff is informed that the court cannot refer to a prior pleading in order to make his Third Amended Complaint complete. Local Rule 15-2 requires that an amended pleading be complete in and of itself without reference to any prior pleading. This is because, as a general rule, an amended pleading supersedes the original pleading. See Ramirez v. Cnty. of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015) ("It is well-established in our circuit that an amended complaint supersedes the original, the latter being treated thereafter as non-existent. In other words, the original pleading no longer performs any function[.]") (citations and internal quotation marks omitted). Plaintiff shall make clear the nature and grounds for each claim, and clearly and concisely explain the factual and legal basis for each defendant's liability. Plaintiff may not rely on conclusory allegations and formulaic recitations of applicable law. Plaintiff must allege sufficient factual allegations to state a plausible claim for relief under the applicable legal standard.
4. Plaintiff is cautioned that failure to timely file a Third Amended Complaint shall result in this action being dismissed without prejudice for failure to prosecute and/or failure to comply with a court order. See Fed. R. Civ. P. 41(b); Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962). If plaintiff no longer wishes to pursue this action, in whole or in part, he may voluntarily dismiss it, or any portion of it, by filing a signed document entitled "Notice of Dismissal" in accordance with Federal Rule of Civil Procedure 41(a)(1).
5. Plaintiff's Motion (**Document No. 23**) is **granted** as set forth in this Order. Plaintiff shall serve defendants with the operative complaint by no later than **December 22, 2023**.

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Notice Re: Pro Se Legal Clinic

Plaintiff may reach out to the Central District's Pro Se Clinic for assistance. The Pro Se Clinic is located in the Edward Roybal R. Federal Building and U.S. Courthouse, 255 East Temple Street, Suite 170 (Terrace Level), Los Angeles, CA 90012, and open by appointment only, Mondays, Wednesdays, and Fridays 9:30 a.m. to 12:00 p.m. and from 2:00 p.m. to 4:00 p.m. To make an appointment and for more information about the Pro Se Clinic, plaintiff may contact Public Counsel at 213-385-2977 ext. 270 or refer to the Pro Se Clinic website at <http://prose.cacd.uscourts.gov/los-angeles>.

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